



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

MAY 04 2011

REPLY TO THE ATTENTION OF:

LU-9J

Michael Gerdenich  
EHS Team Member  
BASF Corporation  
1609 Biddle Avenue  
Wyandotte, Michigan 48192-3729

Re: BASF North Works Interim Measures Design Work Plan

Dear Mr. Gerdenich,

On June 23, 2010, pursuant to provisions of the Administrative Order on Consent (AOC), In the Matter of BASF Corporation, V-W-011 '94 (February 28, 1994), the U.S. Environmental Protection Agency directed BASF to submit an *Interim Measures Design Work Plan* (IMDWP) regarding contaminated sediments in the Detroit River offshore of the BASF North Works Site. BASF submitted a draft IMDWP in August 2010. EPA cannot approve BASF's draft IMDWP because it contains serious deficiencies in both the alternatives evaluation and the recommended remedy. However, EPA will hold in abeyance further Interim Measures activity at the North Works site pending BASF's participation in a Great Lakes Legacy Act (GLLA) Project to address sediment contamination in the Detroit River.

Subsequent to EPA's IMDWP letter, the EPA Great Lakes National Program Office (GLNPO) extended an opportunity for BASF to participate, along with other stakeholders, in a broad GLLA Project to remediate contaminated sediments in Upper Trenton Channel of the Detroit River. The Trenton Channel offshore of the North Works Site lies within the proposed GLLA Project Area.

The EPA Region 5 RCRA Program, GLNPO, and the Michigan Department of Environmental Quality (MDEQ) have discussed ways in which BASF might be able to comply with RCRA Corrective Action requirements at the North Works Site through participation in the GLLA Project, and have assurance that remedies ultimately implemented under the GLLA Project would meet Corrective Action clean-up criteria for the North Works Site. Rather than modifying BASF's IMDWP at this time, the RCRA Program will wait for the Feasibility Study (F/S) and remedy selection under the GLLA Project, and will monitor this work to assure that remedies implemented under the GLLA Project are sufficient to meet the Corrective Action requirements at the North Works Site.

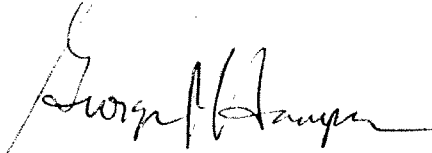
In that regard, the RCRA Program offers the following guidelines for remedy selection and minimum performance criteria applicable to any remedial measure implemented to address contaminated sediments offshore of the North Works Site:

- 1) all sediment "significantly contaminated" with Distillate Blow Off (DBO) must be addressed (sediment with a pore water measured pH of 9.0 or above is considered to be significantly contaminated with DBO);
- 2) dredging is the presumed and preferred remedy for DBO-contaminated sediment (except for sediment in areas near the shoreline where there are issues regarding structural stability and access);
- 3) pore water pH must be measured using an in situ sample collection methodology, such as the Waterloo or other appropriate method, and analytical methodologies approved by EPA and the MDEQ;
- 4) all DBO-contaminated sediment must be removed from the navigation channel;
- 5) areas along the shoreline where dredging is impracticable due to demonstrated stability and access issues, may be assessed for cover and cap alternatives (designed to meet the pH criteria above);
- 6) confirmation sampling and analysis, utilizing methodologies approved by EPA and MDEQ, must be performed to document satisfactory implementation and completion of dredging and capping remedies, and to demonstrate that the top one foot of any remaining or unaddressed sediment is not significantly contaminated with DBO;
- 7) confirmation sampling shall be conducted by taking a sample of pore water from one foot below the sediment/surface water interface, utilizing a sample collection methodology approved by EPA and the MDEQ;
- 8) confirmation samples must be analyzed for co-analytes of Na, Cl, specific conductivity, and total dissolved solids (TDS), in addition to pH, utilizing analytical methodologies approved by EPA and the MDEQ.

So long as BASF participates as lead under the GLLA Project, without unreasonable delay, working toward implementation of remedies for contaminated sediment offshore of the North Works Site that meet the guidelines outlined herein, EPA will hold in abeyance further Interim Measure activities at the North Works Site under the RCRA AOC. However, if BASF decides not to participate in the GLLA Project; does not participate in the Project in a timely and satisfactory manner; or otherwise withdraws from participation in the Project, EPA will resume enforcement of the AOC and order modification and implementation of the IMDWP.

Please contact Juan Thomas of my staff at 312-886-6010, or Reginald Pallesen of the Office of Regional Counsel at 312-886-0555, if you have questions about this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "George J. Hamper". The signature is written in a cursive style with a long horizontal stroke at the end.

George J. Hamper, Chief  
Corrective Action Section II

cc: Rich Conforti, MDEQ

